

REMARKS

Claims 15-42 were examined in the Final Office Action mailed February 9, 2009. The following objections and rejections are currently pending:

- Claims 15, 17-31, 33-37 and 39-42 stand rejected under 35 U.S.C. § 103(a) as unpatentable over European Patent publication No. EP 0 557 603 A1 (“EP ‘603”) in view of U.S. Patent No. 3,730,304 to Buyze (Buyze”) and U.S. Patent No. 5,526,905 to Shimazu, *et al.* (“Shimazu”).

In the Response to Arguments section of the February 9, 2009 Final Office Action, only the Applicants’ arguments regarding the secondary references being non-analogous art were addressed.

The Response still has not addressed the fundamental issue that the primary reference, EP ‘603, teaches the use of *separate plate structures which are glued to the face of the fan disc 15*, and that therefore the EP ‘603 reference therefore does not teach or suggest the recited feature of “the cooling channels formed between *closed surface features formed from the fan plate*.” See EP ‘603 Figs. 1, 2 (showing fan blades 17 attached to the face of the disc 15); Abstract (““In the case of a torsional vibration damper, especially a viscosity torsional vibration damper, vibration energy is converted into heat which is emitted to the surrounding air. In order to increase the performance capability of the torsional vibration damper by means of improved heat transfer, fan blades (17) are arranged on at least one of the flat surfaces of the damper housing (1). The fan blades (17) are preferably constructed on a fan disc (15) which is mounted on at least one of the flat surfaces of the damper housing (1). Said mounting is preferably carried out by means of a thermally conductive adhesive.””).

Neither Buyze nor Shimazu cures the EP ‘603 reference’s lack of teaching

or suggestion in this area, as Buyze teaches welding of separate internal “ribs” 24 to the face of a brake disc to build up a composite brake disk unit (Buyze at 1:56-63; Figs. 1-5), and Shimazu teaches casting internal brake disc ribs with the disc itself, *i.e.*, the Shimazu ribs 22 are not “formed *from* the fan plate,” as required by the pending claims (Shimazu at 9:24-35 (walls “integrally molded with” the disc plates)). Accordingly, there would have been no motivation to combined Buyze and/or Shimazu with the EP ‘603 reference, and in any event, such a combination would not result in the present invention.¹

Because the EP ‘603 reference does not teach or suggest all of the features of the present invention for which it is cited and the Buyze and/or Shimazu references do not cure the deficiencies of the EP ‘603 reference, the pending claims are patentable over the EP ‘603, Buyze and/or Shimazu references under § 103(a). Reconsideration and withdrawal of the pending § 103(a) rejection is respectfully requested.²

¹ Because the foregoing remarks are direct to features of the present invention not taught or suggested by the EP ‘603 reference, the Applicants’ separate argument regarding the Buyze and Shimazu references’ brake disk internal ventilation arrangements being non-analogous art is not currently at issue. Nonetheless, the Applicants respectfully disagree with the Examiner’s remarks in the pending Final Office Action regarding non-analogous art, and reserve the right to present further argument on this issue if required in a subsequent appeal.

² While the Applicants are fully aware that actions in foreign patent offices are not binding on the U.S. Patent and Trademark Office, the Applicants wish to note that the corresponding case in the European Patent Office was allowed, and specifically was allowed over the EP ‘603 reference (identified in the cited references section (56) of the EP patent). A copy of the issued European patent, EP 1 556 628 B1, is attached hereto for the Examiner’s convenience.

CONCLUSION

In view of the foregoing, the Applicants submit that claims 15, 17-31, 33-37 and 39-42 are in condition for allowance. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 100729.56218US).

July 6, 2009

Respectfully submitted,



Jeffrey D. Sanok
Registration No. 32,169
Mark H. Neblett
Registration No. 42, 028

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844